



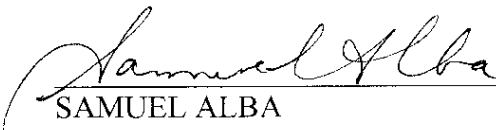
interior is also charged with the responsibility of making and publishing "such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations" under the National Park Service jurisdiction. 16 U.S.C. § 3. The Secretary of the Interior has a great deal of discretion in promulgating and in enforcing regulations for use of the national parks. As this court as previously stated in the case of *United States v. Layne*, 847 F. Supp. 888, 889 (D. Utah 1994) "16 U.S.C. § 1 creates the National Park Service within the Department of the Interior and authorizes the Secretary of the Interior to make regulations for the use of national parks."

For the foregoing reasons, the court specifically finds that the defendants' Motion to Dismiss should be **DENIED**.

The matter is hereby set for a status conference to set further proceedings on this matter on March 22, 1999, at 10:30 a.m.

**SO ORDERED** this 5<sup>th</sup> day of March, 1999.

BY THE COURT:

  
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SAMUEL ALBA  
United States Magistrate Judge

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United States District Court  
for the  
District of Utah  
March 8, 1999

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:96-cr-00052

True and correct copies of the attached were mailed by the clerk to the following:

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